



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,185	10/12/2000	Igor Philip Passos Proglhof	J&J 1796	3467

7590 10/30/2002

Audley A Ciamporcer  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/673,185	Applicant(s)	S.M.
Examiner	C. Lynne Anderson	Art Unit	PROGLHOF, IGOR PHILIP PASSOS
		3761	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 and 14-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 and 14-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9, 14-17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietsch (DE 24 23 790) in view of Leutwyler et al. (5,911,712).

Pietsch discloses all aspects of the claimed invention with the exception of the tampon comprising a rolled up web of material being compressed to form pleats.

Pietsch discloses a tampon, as shown in figure 1, having a removal cord comprising synthetic fibers, as described on page 5, lines 25-28. The removal cord is heat shrunk to 20% of its original size, as described on page 5, lines 1-4. In use the removal cord is extended to its original size, as described on page 5, lines 18-24, and therefore has an extensibility of 80%. Shrinking the removal cord keeps the removal cord from being damaged during further processing, as described on page 5, lines 4-10.

With respect to claims 14-17, the texture of the removal cord created by the heat crimping causes the removal cord to inherently have a two-phase tensile stress-strain curve having an inflection point between the two phases. All stress-strain curves have a Young's modulus, and the Young's modulus for the first phase will be smaller than that of the second phase.

Leutwyler discloses a tampon 20, as shown in figure 1, comprising a rolled up web of absorbent material, as described in column 5, lines 14-16. The tampon 20 is compressed in a manner that pleats the web, as described in column 5, lines 16-25, forming ribs 64 and longitudinal grooves 180, as shown in figure 5. The formation of the ribs 64 and longitudinal grooves 180 helps prevent leakage, as described in column 4, lines 5-10.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the tampon of Pietsch with the rolled up, grooved configuration of Leutwyler, in order to reduce leakage.

Claims 5-8 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietsch (DE 24 23 790) in view of Leutwyler et al. (5,911,712) as applied to claim 1 above, and further in view of Brown et al. (6,142,984).

With respect to claims 5, 6, 11, 12, 18, and 19, Pietsch discloses all aspects of the claimed invention but remains silent as to the design of the texture. Brown discloses a tampon comprising a removal cord having a texture, making the removal cord easier to grip, and therefore use, as described in column 1, lines 44-46. The removal cord may be textured by crocheting, as disclosed in column 2, lines 35-39, which results in a helical texture, or by braiding, as disclosed in column 2, lines 35-39, which results in a zigzag texture.

It would be obvious to one of ordinary skill in the art at the time of invention to construct the removal cord of Peitsch with the texture of Brown to allow for easier use of the tampon.

With respect to claims 7 and 8, Peitsch discloses all aspects of the claimed invention but remains silent as to the number of cables and fibers in the removal cord. Brown discloses a tampon comprising a removal cord constructed of two or more cables, as described in column 3, lines 65-67. The cables comprise 50 fibers, as disclosed in column 4, lines 11-13. This results in a removal cord having a desirable denier, having substantial strength to withstand pulling during removal of the tampon.

It would be obvious to one of ordinary skill in the art at the time of invention to construct the removal cord of Peitsch with the number of cables and fibers taught by Brown, in order to have a substantially strong removal cord.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CMA  
cla  
October 22, 2002

  
GLENN K. DAWSON  
PRIMARY EXAMINER